

From: April A. Cain [aacain@comcast.net]  
Sent: Monday, December 15, 2003 5:07 PM  
To: adoptionregs@state.gov  
Subject: Comments

To: U.S. Department of State

From: April A. Cain  
Legislative Liaison  
Eastern European Adoption Coalition

Comments of the Eastern European Adoption Coalition to Proposed Regulations  
Promulgated Pursuant to Congressional Ratification of the Hague Treaty on the  
Intercountry Adoption of Children

I. Introduction

These comments are submitted on behalf of the Eastern European Adoption Coalition (EEAC), a support group composed of thousands of families who have adopted from Russia and Eastern Europe who are dedicated to promoting ethical standards in international adoption and providing assistance to families of post-institutionalized children from Eastern Europe. The organization is primarily devoted to family support and education through its website at [www.eeadopt.org](http://www.eeadopt.org), and through its internet-based support group lists used by its family members.

As participants in constant internet-based communications before fellow members adopt, during the adoption process, and particularly post-adoption through the EEAC "PEP" (Post Adoptive Parents) listserv, EEAC vigorously supports the continued availability and promotion of international adoption of abandoned children. Our children have brought us great joy and have enriched our lives beyond measure. Yet we have seen first hand how some of our member families have needlessly suffered due to incompetent and unscrupulous providers of adoption services.

II. Overview

During public hearings and elsewhere, there has been a great push by some organizations who provide adoption services to have the Department of State (hereinafter "The Department") "water down" certain consumer protections found in its original regulations. We submit these comments to urge the Department to keep all consumer protections found in the draft regulations despite pressures from the adoption services community to weaken those protections. These protections include, but are not limited to:

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- A. Maintaining a requirement in the final regulations for meaningful liability insurance to be maintained by providers of adoption services;
- B. Maintaining the minimum cash reserve requirements found in the current regulations;
- C. Maintaining provisions in the final regulations prohibiting blanket waivers of liability, including any waivers of the adoption agency's own misconduct or negligence or its failure to comply with the requirements imposed by law;
- D. Maintaining in the final regulations a requirement that agency primary providers retain legal authority and assume liability for the actions of supervised providers.

### III. Discussion

The last decade has brought a dramatic onslaught of persons and entities who have entered the field of providing international adoption services. Many well meaning persons (and some who were not so well meaning) have "hung out their shingle" to provide adoption services, oftentimes with little or no initial capitalization of their organization. Many of these organizations do a wonderful job in providing such services. Many of these organizations function ethically and competently, but many do not. We recognize that the growth of business is a worthy pursuit in a capitalistic society such as ours, but we do not feel that the adoption industry should continue to grow virtually unregulated at all costs.

We recognize that consumer protections such as those proposed by the regulations may impose a burden on some adoption service providers, particularly those who began their businesses with little or no initial capital. We respectfully submit that international adoption agencies need from henceforth to operate like all other prudent businesses, even if that means raising the necessary funds before beginning operations to pay for typical business "start up" costs such as insurance and funds to vigorously scrutinize those whom they hire to work for them.

In the long run, adopting families will benefit from the imposition of standards common in other industries, such as the requirement of liability insurance and acceptance by the industry of a legal responsibility to its customers. Others businesses operate in this fashion, and it is appropriate for those who are participating in changing the structure of families for a lifetime to accept a greater responsibility to the families they serve than is presently common. We have no doubt that the majority of adoption services providers operating in Eastern Europe have never required their personnel to travel to the countries in which they operate to meet or interview their own "foreign facilitators", or to investigate the credentials of these persons. Yet these persons often

play crucial roles in the adoption process. Such practices would be totally unacceptable in other businesses, yet they are commonplace in the field of international adoption.

One would not expect to eat at a restaurant whose proprietor did not maintain liability insurance, or who required its customers to sign a waiver of the establishment's duty to provide safe and acceptable services. Yet in the field of international adoption, service providers are placing living, breathing human beings into the actual homes of their customers without typical customer safeguards, often at the cost of some families' life savings.

We find the consumer protections in the proposed regulations go a long way toward creating an adoption services industry which is on par with business organizations engaging in other pursuits.

In summary, we applaud the Department for obviously developing a great depth of understanding of the problems faced by adoptive families in the arena of international adoption. The draft regulations reflect this understanding. We urge the Department to maintain those strong protections for adoptive families in the final regulations, even if this would present an initial financial obligation upon adoption agencies which henceforth has not been imposed.

Our families will benefit in the long run, and if international adoption is seen as safe and ethical by the public, more homeless children would be adopted.

Thank you for the opportunity to present our views.

Respectfully submitted,

April A. Cain  
on behalf of the Eastern European Adoption Coalition

**From:** April A. Cain [aacain@comcast.net]  
**Sent:** Tuesday, December 16, 2003 7:47 AM  
**To:** adoptionregs@state.gov

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There is a typographical error on the third page, in the third full paragraph (last line) of the comments submitted by the Eastern European Adoption Coalition yesterday.

"henceforth" should read "heretofore"

We apologize and will correct this in the hard copies we submit.

Thank you

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